

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States District Court
Southern District of Texas
FILED

NOV 09 2001

Michael N. Wilby
Clerk of Court

EDWARD ALCALA, et.al.,
Plaintiffs,

v.

ALEX PEREZ, in his official capacity
as Sheriff of Cameron County, Texas,
and CAMERON COUNTY, TEXAS,
Defendant.

CIVIL ACTION NUMBER B-96-203

DEFENDANT'S DESIGNATION OF RECORD

Cameron County (including Alex Perez in his official capacity), hereby requests that the Clerk prepare and forward to the U.S. Court of Appeals, Fifth Circuit, the Clerk's Record within the time provided by law. There are no transcripts. In addition to the material required by law, please include the following in the Clerk's Record:

<u>DATE FILED</u>	<u>DOCKET ENTRY</u>	<u>ITEM</u>
11/8/96	1	Complaint filed; filing fee \$120.00, receipt no. 109572 [Entry date 11/12/96]
12/20/96	12	Answer to Complaint by Cameron County, Alex Perez (Added attorney), filed. [Entry date 12/24/96]
6/3/98	161	Amended Complaint by Edward Alcala, (Answer du 6/13/98 for Alex Perez, for Cameron County) amending [1-1] complaint, filed. [Entry date 06/04/98]
7/1/98	166	Answer to First Amended Complaint by Cameron County, Alex Perez, filed. [Entry date 07/02/98]

<u>DATE FILED</u>	<u>DOCKET ENTRY</u>	<u>ITEM</u>
1/10/00	190	Report and Recommendations of Magistrate Judge John W. Black Re: [183-1] motion for summary judgment, entered. Recommendation that dft motion for summary judgment be Granted and case be dismissed. Parties ntfd. Motion no longer referred Objections to R and R due by 1/20/00 [Entry date 01/11/00]
1/13/00	193	Report and Recommendations of Magistrate Judge John W. Black Re: [183-1] motion for summary judgment, entered. Parties ntfd. Motion no longer referred. Objections to R and R due by 1/23/00. Recommendation that motion for summary judgment be GRANTED. [Entry date 01/14/00]
1/13/00	194	Objection by Edward Alcala to [190-1] proposed findings, conclusions and report and recommendations, filed [Entry date 01/19/00]
1/13/00	195	Further Objection by Edward Alcala to [193-1] report and recommendations, filed [Entry date 01/19/00]
2/28/00	199	Order Adopting [193-1] report and recommendations, [190-1] report and recommendations granting [183-1] motion for summary judgment denying [180-1] motion for partial summary judgment, entered. Parties ntfd. (Signed by Judge Filemon B. Vela) [Entry date 02/29/00]
4/3/00	201	Motion for partial summary judgment by Cameron County, Motion Docket Date 4/23/00 [201-1] motion, filed. [Entry date 04/07/00]

<u>DATE FILED</u>	<u>DOCKET ENTRY</u>	<u>ITEM</u>
4/20/00	203	Order Response to motion to be filed by 6/16/00 for [201-1] motion for partial summary judgment, entered; Parties notified. (Signed by Magistrate Judge John W. Black)
4/20/00	204	Rule 11 Letter, filed.
5/17/00	205	Response by Edward Alcala in opposition to [201-1] motion for partial summary judgment, filed [Entry date 05/18/00]
5/30/00	206	Reply by Cameron County, Alex Perez to response to [201-1] motion for partial summary judgment, filed [entry date 06/01/00]
10/13/00	207	Report and Recommendations of Magistrate Judge John W. Black Re: [201-1] motion for partial summary judgment entered. Recommendation that motion for partial summary judgment be granted as to the statute of limitations claims and be denied as to the executive exemption claims. Parties ntfd. Motion no longer referred. Objections to R and R due by 10/23/00 [Entry date 10/16/00]
10/26/00	208	Objection by Edward Alacala, et al to [207-1] report and recommendations, filed [Entry date 10/30/00]
10/27/00	209	Response by Edward Alcala to [201-1] objection, filed. [Entry date 10/30/00]
11/1/00	210	Order Adopting [207-1] report and recommendations granting in part, denying in part [201-1] motion for partial summary judgment, entered. Granted as to the statute of limitations claims and be Denied as to the executive exemption claims. Parties ntfd. (Signed by Judge Filemon B. Vela) [Entry date 11/02/00]

<u>DATE FILED</u>	<u>DOCKET ENTRY</u>	<u>ITEM</u>
12/19/00	216	Consent to trial by Magistrate by Edward Alcala, et al, Cameron County, et al and Order Transferring Case (Signed by Judge Filemon B. Vela) to Magistrate Judge John W. Black, entered. Parties ntfd. [Entry date 12/26/00]
6/5/01	224	Motion with brief in support for summary judgment against Lieutenants' Claims by Cameron County, Alex Perez, Motion Docket Date 6/25/01 [224-1] motion, filed
6/12/01	225	Order Response to motion reset to 8/6/01 for [224-1] motion for summary judgment against Lieutenants' Claims entered; Parties notified. (Signed by Magistrate Judge John W. Black) [Entry date 06/13/01]
8/8/01	226	Response by Edward Alcala to [224-1] motion for summary judgment against Lieutenants' Claims, filed. [Entry date 08/10/01]
8/13/01	228	Order denying [224-1] motion for summary judgement against Lieutenants' Claims, entered; Parties notified. (Signed by Magistrate Judge John W. Black) [Entry date 08/14/01]
10/1/01	233	Motion to dismiss with the exception of Francisco Gonzalez and Abel G. Garcia by Edward Alcala, Motion Docket Date 10/21/01 [233-1] motion, filed. [Entry date 10/02/01]
10/3/01	234	Stipulation re: facts by Abel G. Garcia, Frank Gonzalez, Cameron County, filed.
10/4/01	235	Order granting [233-1] motion to dismiss with prejudice to refile with the exception of Francisco Gonzalez and Abel G. Garcia, entered; Parties notified. (Signed by Magistrate Judge John W. Black)

DATE FILED

10/4/01

DOCKET ENTRY

236

ITEM

Final Judgment for Edward Alcala, et al with the exception of Francisco Gonzalez and Abel Garcia against Cameron County entered. Parties ntfd. (Signed by Magistrate Judge John Black)

11/1/01

237

Notice of Appeal of [236-1] order by Cameron County, Alex Perez, filed. Fee Status: 105.00 Receipt No.: 115603 Appeal record due on 11/16/01

11/2/01

238

Unopposed Motion to stay by Cameron County, Alex Perez, Motion Docket Date 11/22/01 [238-1] motion, filed.

11/2/01

239

Order granting [238-1] motion to stay, entered; Parties notified. (Signed by Magistrate Judge John W. Black)

Respectfully,

For Cameron County
Cameron County Civil Legal Department
964 East Harrison Street
Brownsville, Texas 78578
(956) 550 1345
(956) 550 1348 (Facsimile)

BY


Richard O. Burst

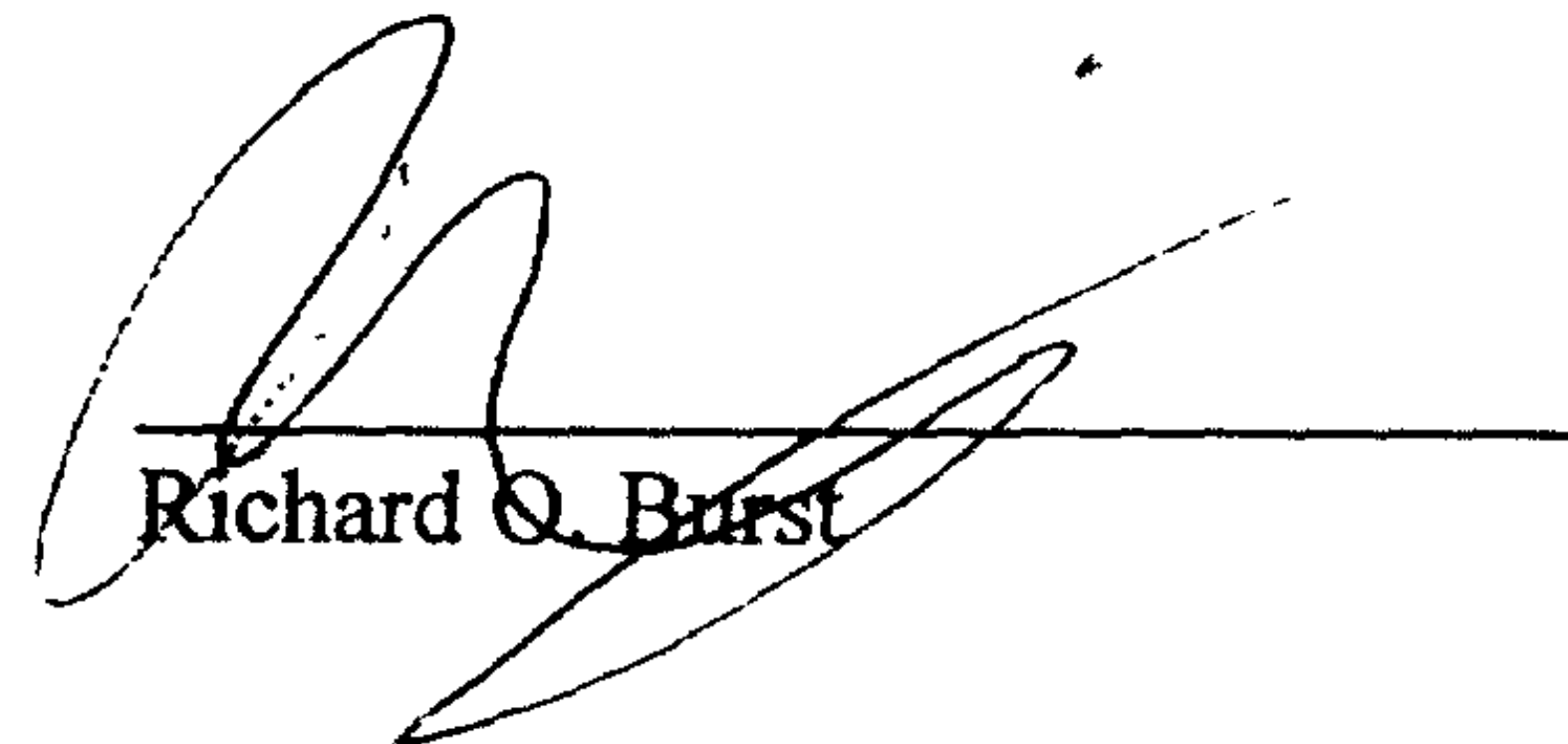
Attorney In Charge
Texas State Bar #00785586
S.D. No. 15515

Dylbia L. Jefferies
Of Counsel
Texas State Bar #00786516
S.D. No. 17065

CERTIFICATE OF SERVICE

I, Richard O. Burst do hereby certify that on this 9th day of November, 2001, a true and correct copy of the foregoing Designation of Record has been mailed, certified, return receipt requested to:

George P. Powell
HINOJOSA & POWELL, P.C.
612 Nolana, Suite 410
McAllen, Texas 78504



Richard O. Burst